

CHAPTER 9-000 PRESCHOOLS

9-001 Administration: The preschool shall pay an initial license fee and annually thereafter.

The current license must be prominently posted so that it is clearly visible to parents and others.

Preschool staff shall permit visits, unannounced or announced, by parents of enrolled children or agency representatives during hours of operation.

The preschool's program goals and a sample daily schedule must be available in writing to parents of all enrolled children.

The preschool shall have on file a completed "Children's Record," (Form DSS-0363), or a form which contains at least the same information, for each child within 30 days of the child's first day of attendance. This information must be available to Department staff upon request.

The preschool shall maintain copies of children's immunization records. These records will be available for review upon request.

The preschool shall comply with all Nebraska Department of Health and Human Services requirements regarding the immunization status of all enrolled children.

9-001.01 Staff Records: Staff records must include, but are not limited to -

1. The name, address, and telephone number of each staff member;
2. "Health Information Report," (Form DSS-0915), or a report containing the same information;
3. A statement from the director certifying that s/he has verified staff qualifications of all staff before hiring;
4. Dates of employment and separation; and
5. A statement from each staff person, including volunteers, substitutes, and the director, providing information concerning any felony and/or misdemeanor arrests and convictions and of any pending criminal charges. The statement must be signed and dated.

Any staff person who is a member of a church or religious organization which prohibits certain medical tests or treatment is exempt from submitting Form DSS-0915 information. This exemption is conditional upon a statement being included in the staff file prior to hiring, indicating that such tests or treatments conflict with religious beliefs.

The director shall report to the Department of Health and Human Services, within 24 hours, the death of any child on the premises or any accident to a child while on the preschool premises which requires hospitalization or extensive medical attention.

Any staff person who has reason to believe child abuse or neglect may be occurring in the preschool, in the child's home, or elsewhere, shall under penalty of law, immediately file a report with the Child Abuse-Neglect Hotline - 800-652-1999 (Sections 28-711 and 28-717, Nebraska Revised Statutes).

9-002 Staff Qualifications: The director shall make available to the Department of Health and Human Services, written verification of meeting staff qualifications (i.e., copy of transcript, letter of verification, grade reports, reference letters, certificates).

Within 30 days of hiring, each staff member shall provide a "Health Information Report" (DSS-0915) current within six months of hiring or a report containing the same information. Form DSS-0915 is due annually.

Substitute staff and volunteers are exempt from staff qualifications (except for behaviors injurious to or which may endanger (9-003)) and in-service requirements.

9-003 Director Qualifications: The director shall have reached the legal age of majority and have a high school diploma or General Education Diploma. In addition, the director shall meet one of the following requirements:

1. Have a written Department-approved plan to acquire at least six semester hours, or the equivalent thereof, or 36 clock hours of Department-approved in-service in the area of child development or early childhood education in a period not to exceed 12 months;
2. Have a minimum of six credit hours, or the equivalent thereof, in early childhood education or child development;
3. Have a minimum of two years of verifiable experience in preschool education, as indicated by a positive reference from a parent of an enrolled child, a former employer/ supervisor, primary education teacher, early childhood teacher, or child development teacher;
4. Have a Child Development Associate Credential; or
5. Hold a certificate of training, community college certificate, associate degree, or bachelor degree in fields related to the education of children from birth to eight years (e.g., child development, early childhood education, Montessori certificate, elementary education, or special education).

The director shall not knowingly allow any person, neither paid nor volunteer staff, to be on the premises if s/he has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude. Preschool staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care.

The director shall ensure that any person having responsibility for children has read and is familiar with the "Preschool Regulations" (DSS-PAM-368).

The director shall list all staff, including volunteers and substitutes, on each application filed with the Department.

9-004 Felony/Misdemeanor Statement: The licensee of a preschool shall submit a "Felony/Misdemeanor Statement," signed and dated by the licensee, director, and staff, which includes teachers, assistant teachers, and all support staff, age 19 and older, which includes the following information:

1. Felony and/or misdemeanor arrests related to crimes against children;
2. Misdemeanor tickets, other than minor traffic violations;
3. Felony and/or misdemeanor convictions;
4. Any pending criminal charge(s); and
5. Current parole or probation status.

This statement must include all law enforcement contacts, regardless of prosecution.

9-005 Registry Checks: The Department of Health and Human Services shall clear the names, as indicated on the application, of all staff, both paid and volunteer, with the Nebraska Central Registry of Child Abuse and Neglect, and the Nebraska Adult Protective Services Central Registry, before issuing a license. If a preschool is located within a private residence, the director shall submit the names of all household members 13 years and older for clearance with the Nebraska Central Registry of Child Abuse and Neglect and the names of all household members 18 years and older for clearance with the Nebraska Adult Protective Services Central Registry.

9-006 Prior to Hire: Candidates being considered for employment as a director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Registry before being hired.

Candidates being considered for employment as a director, teacher, assistant teacher, and/or support staff shall submit a signed AFelony/Misdemeanor Statement@ (DSS-600) to the licensee or director. The licensee or director shall request additional information from the appropriate law enforcement agency as needed to comply with Department regulations. The licensee is responsible for reporting any arrests, misdemeanor tickets other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, the director and staff, which includes teachers/assistant teachers and all support staff.

9-007 Teacher Qualifications: Teachers shall have reached the legal age of majority and have a high school diploma or General Education Diploma. In addition, each teacher shall meet one of the following requirements:

1. Have a written Department-approved plan to acquire at least three semester hours, or the equivalent thereof, or 15 clock hours of Department-approved in-service in the area of child development or early childhood education in a period not to exceed 12 months;
2. Have a minimum of three credit hours, or the equivalent thereof, in early childhood education or child development;
3. Have a minimum of one year of verifiable experience in preschool education, as indicated by a positive reference from a former employer/supervisor or primary education teacher, early childhood teacher, or child development teacher;
4. Have a Child Development Associate Credential; or

5. Hold a certificate of training, community college certificate, associate degree, or bachelor degree in fields related to the education of children from birth to eight years (e.g., child development, early childhood education, Montessori certificate, elementary education, special education).

At least 50 percent of the preschool staff shall meet teacher qualifications.

9-007.01 In-Service Requirements: Each teacher shall obtain at least two clock hours of in-service annually for each full day per week in which s/he teaches. (For example, if a teacher teaches four half days per week, s/he would be required to obtain four clock hours each year.)

Each in-service hour for teaching staff must be specifically related to the care or teaching of children.

Each hour spent participating in any of the following types of activities counts toward yearly in-service requirements:

1. Staff orientation;
2. Staff sponsored in-service;
3. Workshops;
4. College courses;
5. Non-credit course work;
6. Adult education courses; and
7. Department-approved reading material.

Written documentation must be available for each of the above types of training.

9-008 Staffing: The director shall ensure that staff-child ratio is met at all times. Compliance with staff-child ratio is determined on a preschool-wide basis.

The preschool shall count only those persons directly involved with the immediate care and teaching of children in the staff-child ratio.

All staff, including volunteers, who are counted in the staff-child ratio shall have reached the legal age of majority.

At no time shall the preschool exceed its licensed capacity.

9-008.01 Staff-Child Ratio:

<u>Age Range of Children</u>	<u>Number of Staff</u>	<u>Number of Children</u>
6 weeks to 18 months	1	4
18 months to 3 years	1	6
3 years	1	10
4 years, 5 years, and 6 years	1	12

Staff shall have knowledge of where each child in attendance is at all times and be within hearing distance of all children.

Children must be accompanied by a staff person during outdoor play.

Preschool staff or any person designated by the licensee as having responsibility for children shall have the responsibility to provide adequate and appropriate supervision at all times children are in attendance. Evidence of negligent or willful lack of supervision is basis for denial of an application or suspension or revocation of the preschool's license.

9-009 Nutrition: If the preschool serves a snack, the snack must include at least one serving from one of the four basic food groups and meet nutritional standards set by the U.S. Department of Agriculture.

9-010 Discipline: The director shall ensure that no child is spanked, slapped, pinched, punched, shaken, struck with any inanimate object, handled roughly, or bitten as a discipline; a brief, supervised separation from the group may be used.

Staff shall not discipline children:

1. By denial of food;
2. By forced napping;
3. For toilet training accidents; or
4. With subjection to derogatory remarks about themselves or their families, abusive or profane language, yelling or screaming, or threats of physical punishment; or
5. For refusing to take medication.

9-011 Materials and Equipment: The licensee shall ensure that -

1. Enough age-appropriate play materials are provided so that, at any one time, each child present can be individually involved.
2. Play materials, equipment, and furnishings are easily cleanable, kept clean and in good repair, have no sharp edges, and have no rusty or loose parts.
3. Furniture and equipment is arranged so as not to interfere with exits or cause a safety hazard for children.
4. Stationary outdoor equipment such as a climbing apparatus, swings, or slides are located away from traffic areas in the play yard and securely anchored, unless designed to be portable.
5. Swing seats are made of a pliable material, not hard plastic, wood, nor metal.
6. The area under climbing equipment, swings, slides, and other equipment from which children might fall, is of a resilient material such as sand, pea gravel, dirt, grass, or rubber matting.

9-012 Child Health

9-012.01 Delivery of Medication: Any child care provider, center, or preschool staff person who gives or applies medication shall do so in accordance with the "5 Rights" as required in Nebraska Statutes 71-6718 through 6742. These are:

1. The right drug;
2. The right recipient;
3. In the right dose;
4. By the right route;
5. At the right time.

9-012.02 Parental Responsibility: Parents or any licensed health care professional shall determine if child care providers or center and preschool staff are competent to give or apply medication. Center and preschool directors shall assess the ability of staff to give or apply medication safely.

9-012.03 Confidentiality: Any child care provider, center or preschool staff person who gives or applies medication shall not disclose information about a child's medication unless such information is needed to protect the health of other children or staff.

9-012.03A The use of a posted medication sign in sheet does not violate 9-012.03 if the child care provider, center, or preschool staff has advised the parent in writing that the parent has the option of using a private method of informing the preschool staff of the child's medication needs.

9-012.04 Written Permission and Instruction: All child care providers, center, or preschool staff shall give or apply medication both prescription and non-prescription, only with prior written permission and written instructions from a parent. Child care providers, center or preschool staff shall comply with the instructions provided by the parent. Medication shall be in the original container, stored according to instructions, clearly labeled for a named child, and returned to the parent when no longer needed. The dosage will not exceed that which is printed on the label. Expired medication shall not be given or applied to a child and shall be returned to the parent. The preschool shall maintain a record as to the time and amount of medication given or applied.

9-012.04A Report to Parents: Any error in the giving or applying of medication shall be reported to the parent.

9-012.05 Unusual Circumstances: There must be a written statement from the licensed health care professional who prescribed the medication allowing the provider to give the medication when:

1. Any prescription medication is given or applied as needed (PRN); or
2. By a route other than oral, topical, inhalant, or instillation.

9-012.06 Smoking: Preschool staff shall not smoke in the presence of children.

9-013 Safety and Emergency: The director shall develop a written fire evacuation plan, (except in one-room facilities), and a tornado safety plan to be posted in a conspicuous place in each licensed area. A tornado drill must be practiced during the second semester, with dates and times recorded.

At least one staff member who has received first aid training and CPR training must be on duty during all times children are present, as evidenced by a staffing chart. The CPR instructor must be certified by the American Heart Association, American Red Cross, the National Safety Council, or Emergency Medical Planning America (Medic First Aid). Written verification of current training must be available.

The effective dates of the CPR training will be determined by the certified instruction program. The effective dates of the First Aid training will be determined by the instruction program. If dates are not indicated on the First Aid certificate, the training will be considered valid for three years.

The director shall ensure that -

1. Emergency phone numbers for the following are posted near the phone: fire, police, hospital, and ambulance (or 911 for those services), and Poison Control.
2. A vehicle is immediately accessible for use by staff members for emergency purposes if the 911 emergency phone is not available.
3. A first aid kit containing the following is available for treatment of minor injuries but inaccessible to children: fever thermometer; soap; bandaids or tape; sterile gauze pads; and scissors.
4. Electrical outlets in the licensed area which are within reach of the children are covered with safety caps.

9-014 Facility: Each preschool must have at least 35 square feet of indoor activity space for each child present. Bathrooms, kitchen, isolation room, office, passageways, storage space, or built-in cabinets are not considered when computing activity space.

The director shall ensure that a working non-coin operated telephone is available on the premises.

9-015 Transportation: The director shall ensure that -

1. Safety restraints are available and used for each child transported. All children three years or younger or under 40 pounds must be correctly secured in a federally approved child safety seat. All children age 4 or older or a weight of 40 pounds or more must be secured in a safety belt. Restraints are not required for children transported by public transportation or school bus.
2. The number of children transported does not exceed the seating capacity indicated by the vehicle manufacturer.
3. All doors on the vehicle are locked when the vehicle is in motion, except for the driver's door.
4. Parent or guardian-signed permissions are obtained to allow the preschool to transport children. These permissions must be kept on file.
5. If more than six children are transported, at least two adults are present in the vehicle.

9-016 Sanitation

9-016.01 Facility: Each preschool director shall ensure that -

1. All floors, walls, and ceilings are clean, dry, and maintained in good repair.
2. Facility doors in the licensed area opening to the outside are self-closing (except for sliding doors) and all facility windows used for ventilation purposes are screened.
3. The temperature of rooms where children are present is maintained at least 65 degrees Fahrenheit minimum temperature.
4. All rooms are adequately lighted with a minimum of 20 foot-candle power (measure of illumination).
5. There is no carpeting in bathrooms. Carpeting is prohibited in new, remodeled, and renovated kitchens. Existing carpeting in kitchens may be accepted, provided it is in good repair and properly maintained at all times.
6. The facility has conveniently located toilet facilities at a ratio of one stool per 15 children two years of age and above. Toilet and toilet training chairs must be conveniently located, cleaned, and disinfected daily, and in good repair.
7. Each toilet is of suitable height or equipped with a steady platform and equipped to be easily and safely used by children.

8. Doors to the toilet room opening directly from food service areas are self-closing and tight-fitting.
9. A lavatory for every 15 children with hot and cold running water and soap is available. Each lavatory must be of suitable height or equipped with a steady platform or steps to be safely used by the children.
10. A sink is located within 60 feet of each toilet and/or diapering area.
11. The use of a common drinking container is prohibited. Drinking water must be provided by sanitary drinking fountains or individual cups.
12. Common grooming items must not be used.
13. Only single service towels and washcloths are used. The use of a common towel and washcloth is prohibited. Soap must be available.
14. No adult or child resumes work or play after using the bathroom, changing diapers, or handling pets without first washing his/her hands.
15. All child care providers, center, or preschool staff shall wash hands before giving or applying any medication. If handling any bodily fluids are involved, caregivers must also wash hands after giving or applying that medication.

9-016.02 Water Supply: The director shall ensure that water temperature at each lavatory used by the children is at least 100 degrees F, but no greater than 120 degrees F.

If the water supply is not obtained from a municipal system, the Department shall make a referral to the Department of Health and Human Services Regulation and Licensure for an inspection.

9-016.03 Sewage and Garbage: The director shall ensure that -

1. All garbage and refuse is collected, stored, and disposed of in a manner which will not create a nuisance, provide a breeding place for flies, or provide food or harborage for rodents.
2. All containers, both indoor and outdoor, for garbage and refuse are watertight, have tight-fitting covers, and are fly and rodent proof.

If the sewage system is not connected to a municipal system, the Department of Health and Human Services shall make a referral to the Department of Health and Human Services Regulation and Licensure for an inspection.

9-016.04 Storage: The director shall ensure that -

1. Enclosed waterproof containers are provided for storing soiled, wet clothing.
2. Medications in the licensed area are stored separately under lock and key.
3. Separate locked storage is provided for insecticides, cleaning, polishing, and sanitizing agents, and any other poisons kept in the licensed area. These poisons must be kept separate from food items and inaccessible to children in the licensed area.
4. Weapons and ammunition are contained in locked storage.
5. Deep freezers with self-locking latches are locked or stored in a locked room.

9-016.05 Food Preparation: The director shall ensure that -

1. All food is obtained from an approved or commercial source and meat is from an inspected source.
2. No home-canned foods are served to the children.
3. Fluid milk and fluid milk products used or served are pasteurized and meet the Grade A quality standards as established by law. Dry milk and dry milk products must be made from pasteurized milk and be used for cooking purposes only.
4. All food is protected from contamination at all times, including while being stored, prepared, displayed, served, or transported. The temperature of potentially hazardous foods must be 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times.
5. All food service equipment, utensils, preparation area, and non-food contact surfaces are cleaned after each use. This includes proper washing, rinsing, sanitizing, air drying, and storage. All surfaces must be maintained in good repair.

9-017 Grounds: If an adjoining outdoor play area is used by the children, the director shall ensure that the preschool complies with the following regulations:

1. If there are unsafe areas such as drainage ditches, open storm sewers, wells, holes, railroad tracks, or heavy street traffic in or near the outdoor play area, a fence must be provided. The fence must be at least three feet high, free from sharp, hazardous edges, in good repair, and of sufficient construction to keep animals and intruders out.
2. Pets, if present, must be physically controlled or restrained, and proof of vaccination must be available for cats and dogs.
3. The grounds must be kept neat and clean, free from rodent harborages, and properly sloped or drained to prevent stagnant water collection.
4. Accident hazards, such as flammable materials, deep pools, farm and lawn equipment, must be inaccessible. Potential accident hazards such as uncovered wells, broken glass, boards containing nails, and other debris must be eliminated.

9-018 Nebraska Department of Health and Human Services Regulation and Licensure Regulations:
Compliance with the regulations in this section is determined by Nebraska Department of Health and Human Services Regulation and Licensure staff.

1. The preschool shall obtain its water supply from a source which is properly located, constructed, and operated to protect it from contamination and pollution. Water must meet current standards set by the Nebraska Department of Health and Human Services Regulation and Licensure as to bacteriological, chemical, and physical tests for purity. Bacteriological and nitrate tests must be provided at least annually on private water supplies.
2. Sewage and all liquid wastes must be properly discharged into a municipal sewage system where such system is available. If it is not available, the sewage must be collected and treated in an independent sewage system which complies with the practices recommended by local ordinances. Where local ordinances do not exist, sewage treatment systems for individual premises must comply with regulations of the Nebraska Department of Health and Human Services Regulation and Licensure.
3. No plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or waste water into the potable water supply system may be installed or remain installed. Water which has been used for cooling or for any other purpose must not be returned to the system.
4. All plumbing must conform to the local plumbing code. Where no plumbing code is in effect, plumbing must conform to the National Plumbing Code USA A 40.8-1955.